

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JOHNNY EDWARDS, # 244566,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 2:18cv684-MHT
	)	(WO)
WALTER MYERS, <i>et al.</i> ,	)	
	)	
Respondents.	)	

**RECOMMENDATION OF THE MAGISTRATE JUDGE**

This case is before the court on a petition for writ of habeas corpus under 28 U.S.C. § 2254 filed by Johnny Edwards (“Edwards”), an Alabama inmate incarcerated at Easterling Correctional Facility in Clio, Alabama. Doc. No. 1. Edwards challenges his convictions for murder and attempted murder entered in the Hale County Circuit Court in December 2005. He was sentenced to life in prison for the murder conviction and to 25 years in prison for the attempted murder conviction, the terms to run consecutively.

**DISCUSSION**

Title 28 U.S.C. § 2241(d) allows Edwards to bring his § 2254 petition in either (a) the district court for the district where he is in custody (here, the Middle District of Alabama, where Easterling Correctional Facility is located), or (b) the district court for the district within which the state court that convicted and sentenced him was held (the Southern District of Alabama, where Hale County is located). Section 2241(d) provides that this court “in the exercise of its discretion and in furtherance of justice,” may transfer

a petitioner's § 2254 petition to "the district court for the district within which the State court was held which convicted and sentenced [the petitioner]." 28 U.S.C. § 2241(d).

Because the matters complained of by Edwards stem from a conviction and sentence imposed by the Hale County Circuit Court, and the records related to Edwards's conviction and sentence are in Hale County, this court finds that the interests of justice and judicial economy will be best served by transferring this case to the United States District Court for the Southern District of Alabama for review and disposition.<sup>1</sup>

### **CONCLUSION**

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be TRANSFERRED to the United States District Court for the Southern District of Alabama under 28 U.S.C. § 2241(d).

It is further

ORDERED that the parties shall file any objections to this Recommendation on or before October 4, 2018. A party must specifically identify the factual findings and legal conclusions in the Recommendation to which objection is made; frivolous, conclusive, or general objections will not be considered. Failure to file written objections to the Magistrate Judge's findings and recommendations under the provisions of 28 U.S.C. § 636(b)(1) shall bar a party from a *de novo* determination by the District Court of legal and factual issues covered in the Recommendation and waives the right of the party to challenge on appeal the District Court's order based on unobjected-to factual and legal

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<sup>1</sup> A decision on Edwards's application to proceed *in forma pauperis* status (Doc. No. 2) is reserved for ruling by the United States District Court for the Southern District of Alabama.

conclusions accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982); 11th Cir. R. 3-1. See *Stein v. Lanning Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). See also *Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (en banc), adopting as binding precedent all decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done, on this the 21st day of September, 2018.

/s/ Susan Russ Walker  
Susan Russ Walker  
United States Magistrate Judge